

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

LOST LAKE HOLDINGS LLC et al.

Plaintiffs,

vs

TOWN OF FORESTBURGH, et al.

Defendants.

Civ. Action No. 7:22-cv-10656

**MOTION FOR PRELIMINARY INJUNCTION PURSUANT TO RULE 65 OF THE  
FEDERAL RULES OF CIVIL PROCEDURE**

**TO:** Gerald Stephen Smith, Jr.  
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**PLEASE TAKE NOTICE** that the Plaintiffs, Lost Lake Holdings LLC, Mishconos Mazah LLC, Rabbi Mordechai Halberstam, and Rose Halberstam through their attorneys Eric W. Treene and Roman P. Storzer of STORZER AND ASSOCIATES, P.C. and Steven Barshov of SIVE, PAGET & RIESEL, P.C., shall move this Court, before the Honorable Vincent L. Briccetti, at the United States Courthouse, 300 Quarropas Street, White Plains, New York 10601,

at a date and time set by the Court, for a Preliminary Injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure seeking preliminary orders as follows:

1. Enjoining the Defendants, THE TOWN OF FORESTBURGH and THE FORESTBURGH TOWN BOARD, and their officials and employees from enforcing or implementing:
  - a. The February 1, 2023 Notice of Violation, Stop Work Order, and Compliance Order regarding All Lots and Property Subject to the Lost Lake Resort 2011 PDD Approval Resolution and the 2013 Conditional Final Site Plan / Subdivision Approval issued by the Town of Forestburgh to the Plaintiffs;
  - b. The Town of Forestburgh's Resolution 2023-02 entitled "Requiring Supplemental Environmental Review and Authorizing Legal Action Against the Owners of the Lost Lake Resort Property Located on Cold Spring Road, Town of Forestburgh" adopted on or about February 2, 2023; and
  - c. The Town of Forestburgh's Resolution entitled "Adopting SEQRA Positive Declaration and Requiring the Preparation of a Supplemental Environmental Impact Statement for the Lost Lake Resort Property Located on Cold Spring Road, Town of Forestburgh" adopted on or about March 30, 2023 regarding the Lost Lake Project.
2. Enjoining the Defendants, THE TOWN OF FORESTBURGH and THE FORESTBURGH TOWN BOARD aka TOWN OF FORESTBURGH TOWN BOARD, and their officials and employees from prosecuting and/or seeking any

relief adverse to the Plaintiffs in the civil action captioned *Town of Forestburgh, et al. v. Lost Lake Holdings LLC, et al.*, Index No. E2023-186 (Sup. Ct. Sullivan Cy., Complaint filed Feb. 3, 2023).

3. Enjoining the Defendants, THE TOWN OF FORESTBURGH and THE FORESTBURGH TOWN BOARD, and their officials and employees, from taking any action and efforts in furtherance of any of the matters listed in paragraphs 1 and 2 above.

4. Granting such other, further and different relief that this Court deems appropriate.

Plaintiffs do hereby incorporate their Memorandum and Declarations submitted in support of this Motion as well as Plaintiffs' First Amended Complaint (ECF No. 60).

Plaintiffs respectfully request oral argument with respect to this Motion.

Dated: June 1, 2023

**STORZER & ASSOCIATES, P.C.**

By: /s/ Eric W. Treene  
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**SIVE, PAGET & RIESEL, P.C.**

By: /s/ Steven Barshov  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 1, 2023, a copy of the foregoing Motion For Preliminary Injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure, supporting Declarations, Exhibits and Memorandum were filed electronically and notice of this filing will be sent by the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

/s/ Eric W. Treene  
Eric W. Treene